

REMARKS/ARGUMENTS

Claims 1-4, 6-7, 16, 18 and 20-21 are pending. Claims 1, 16, 18 and 20 have been amended. No new matter has been introduced. Reexamination and reconsideration of the present application is respectfully requested.

Claim Rejections

Claims 1-4, 6-7, 16, 18 and 20-21 have been rejected under 35 U.S.C. 112, first and second paragraphs. More specifically, the Examiner rejects claims 1, 16, 18 and 20 as missing the critical step of culturing or growing the bacterial cells in order to oxidize ammonia to nitrite in the process as claimed. The Applicant respectfully disagrees for all the previously presented reasons.

Nevertheless, solely in order to further prosecution of the subject application and without acquiescing to the propriety of the rejection, the claims have been amended as set forth above.

Claims 1, 16, 18 and 20 have been amended to recite a step of growing the bacterial cells to a sufficient amount to oxidize ammonia to nitrite in the process as claimed. The amendments address the Examiner's concerns regarding the sufficiency of the provided bacterial cells to oxidize ammonia to nitrite in different environments, *e.g.*, "any size aquarium whether populated or overpopulated by fish."

In light of the above considerations, Applicant respectfully submits that the amended claims meet the requirements of 35 U.S.C. 112 and respectfully requests that the rejections be withdrawn.

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Conclusion

The Applicant respectfully requests the allowance of the claims which are now pending. If the Examiner would like to discuss any further matters relating to this application, the undersigned attorney can be reached at the Los Angeles telephone number (213) 488-7100.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975 (ref. 81289-294309). The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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